

THE JUDICIAL COUNCIL OF THE SEVENTH CIRCUIT
219 South Dearborn Street
Chicago, Illinois 60604

June 2, 2023

Chief Judge Diane S. Sykes

No. 07-23-90018

IN RE COMPLAINT AGAINST A JUDGE

MEMORANDUM AND ORDER

The complainant filed a misconduct complaint against the judge who is assigned to her civil-rights case. She accuses the judge of delay in failing to provide “instructions on the next step” in her case that she filed just one month earlier. She also alleges that the judge is biased against her because the defendant in her case is an “employee of the state.”

The complainant’s allegation that the judge has delayed the progress of her case is not a proper basis for a misconduct complaint; it is also frivolous. Allegations of delay concern the merits of a judge’s decisions and do not raise an inference of misconduct. 28 U.S.C. § 352(b)(1)(A)(ii); *see also* RULES FOR JUD.-CONDUCT & JUD.-DISABILITY PROC. r. 4(b)(2) cmt. (“Cognizable misconduct does not include an allegation about delay in rendering a decision or ruling, unless the allegation concerns an improper motive in delaying a particular decision or habitual delay in a significant number of unrelated cases.”). In any event, the complainant’s case is brand new; there has been no delay. The complainant’s allegation of bias is wholly unsupported and frivolous. 28 U.S.C. § 352(b)(1)(A)(iii).

For the foregoing reasons, the complaint is dismissed pursuant to § 352(b)(1)(A)(ii) and (iii). The complainant may petition the Judicial Council of the Seventh Circuit for review of this order in accordance with Rule 18(b) of the *Rules for Judicial-Conduct and Judicial-Disability Proceedings*. *Id.* § 352(c); *see* RULES FOR JUD.-CONDUCT & JUD.-DISABILITY PROC. r. 11(g)(3). A petition for review must be filed in the clerk’s office of the United States Court of Appeals for the Seventh Circuit not later than 42 days of the date of this order.